

REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.60

|               |  |          |                            |          |
|---------------|--|----------|----------------------------|----------|
| DOCKET NUMBER | ANTICIPATED CLASSIFICATION OF THIS APPLICATION |          | PRIOR APPLICATION EXAMINER | ART UNIT |
| PAT112DIV1    | CLASS  | SUBCLASS | L.S. Cohen                 | 3739     |
|               |  |          |                            |          |

Address to:  
 Commissioner of Patents and Trademarks  
 Washington, D.C. 20231

This is a request for filing a continuation X divisional application under 37 CFR 1.60 of pending prior application Number 09/ 950,611, filed on 09/13/01, entitled Intelligent Selection System For Electrosurgical Instrument.

1. Enclosed is a copy of the latest inventor-signed prior application, including a copy of the oath or declaration showing the original signature or an indication it was signed. I hereby verify that the attached papers are a true copy of the latest signed prior application number 09/ 950,611 and further that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| CLAIM S | (1) FOR  | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE   | (5) CALCULATION |
|---------|--|------------------|------------------|------------|-----------------|
|         | TOTAL CLAIMS   | 15               | -                | x \$18.00  | \$-             |
|         | INDEPENDENT CLAIMS   | 3 -3             | -                | \$84.00    | \$ -            |
|         | MULTIPLE DEPENDENT CLAIMS (if applicable)                        |                  |                  | + \$280.00 | \$ -            |
|         |  |                  |                  | BASIC FEE  | \$750.00        |
|         | Total of above Calculations =                                    |                  |                  |            | \$750.00        |
|         | Reduction by 50% for filing by small entity (note CFR 1.9, 1.27, |                  |                  |            | \$375.00        |
|         | TOTAL =  |                  |                  |            | \$375.00        |

2. X A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

X was filed in the prior application and such status is still correct.

3. X The Commissioner is hereby authorized to charge any fees which may be required under 37 CFR 1.16 and 1.17, or credit any overpayment to:

X Deposit Account No. 15-0380.

X A duplicate copy of this sheet is enclosed.

4. X A check in the amount of \$ 375.00 is enclosed.

5. X Cancel in this application original claim(s) 1-15 and 26-31 of the prior application before calculating the filing fee. (At least one original independent

claim must be retained for filing purposes.)

6. ☒ Amend the specification by inserting before the first line the sentence:

"This application is a ☐ continuation ☒ division of application number  
09/ 950,611 ☐ , filed 09/13/01 ☐ , now  
☐ abandoned,  
☒ pending."

7. ☐ Transfer the drawings from the pending prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application. (May only be used if signed by person authorized by 37 CFR 1.138 and before payment of issue fee.)

8. ☒ New formal drawings are enclosed.

9. ☐ Priority of foreign application number ☐ , filed on  
in ☐ is claimed under 35 U.S.C. 119.

☐ The certified copy has been filed in prior application number  
☐ / ☐ , filed ☐.

10. ☒ A preliminary amendment is enclosed.

11. ☐ The prior application is assigned of record to ☐

12. ☐ Also enclosed:

13. ☒ The power of attorney in the prior application is to: Jack Oisher, Esq., 200 High Point Dr.-Ph2, Hartsdale, NY 10530.

a. ☒ The power of attorney appears in the original papers in the prior application.

b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c. ☒ Address all future communications to:

Jack Oisher  
200 High Point Dr.-PH2  
Hartsdale, NY 10530  
Tel-(914) 428-7338  
Fax-(914) 949-3691

Jack Oisher 17,317  
Name of signator Reg. No.

7/30/03  
Date

Signature 

☐ Inventor(s)  
☐ Assignee of complete interest  
Address of signator: ☒ Attorney or agent of record  
☐ Filed under 37 CFR 1.34(a)